

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

ROBERT HATCHER,)
)
 Plaintiff,)
 v.) No. 2:12-cv-145-JMS-WGH
)
 RUTH JOHNSON, et al.,)
)
 Defendants.)

Entry and Order Dismissing Action

I.

This civil rights action brought against public defenders representing the plaintiff in a pending appeal in the Indiana Court of Appeals is dismissed pursuant to 28 U.S.C. § 1915A(b) because the complaint fails to state a claim upon which relief can be granted. This conclusion is reached because the defendants have not acted, and do not act, under color of state law in representing the plaintiff. *See Polk County v. Dodson*, 454 U.S. 312, 324 (1981) (public defender does not act under color of state law when performing a lawyer's traditional functions as counsel to a defendant in a criminal case).

II.

The foregoing shows that the defendants cannot be liable to the plaintiff under 42 U.S.C. § 1983. The dismissal of the action is now mandatory. *Gladney v. Pendleton Corr. Facility*, 302 F.3d 773, 775 (7th Cir. 2002).

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 07/09/2012



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

Robert Hatcher
#112855
Putnamville Correctional Facility
Inmate Mail/Parcels
1946 West U.S. Hwy 40
Greencastle, IN 46135